

Nels T. Lippert

Chair of Intellectual Property Practice

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Nels Lippert is a partner and chair of the Firm's Intellectual Property Practice. Nels has more than 40 years of experience focusing on intellectual property counseling and litigation.

Nels administers trademarks globally for leading U.S. and international consumer product manufacturers, online and retail fashion companies, software and systems providers, and service companies. He regularly represents clients' trademark interests in the federal courts and before the Trademark Trial and Appeal Board.

A registered U.S. patent attorney and litigator, Nels is experienced in trials, interferences, counseling, and licensing of chemical, biotechnological, pharmaceutical, and systems patents.

Notably, Nels represented the Japanese Foundation for Cancer Research as lead counsel in an interference against Biogen MA, Inc. followed by a district court action and affirmation by the Court of Appeals for the Federal Circuit which, among other favorable rulings, ruled that the America Invents Act eliminated district court reviews of patent interferences declared after 2012.

Other representative matters include:

- Defended an Italian wine producer in a trademark infringement action brought by a U.S. distributor of the same name. The federal registration of the client's name was recovered, and all claims of infringement were dismissed.
- Defending an Italian manufacturer of high-end kitchen appliances and suites in defense of an action for declaratory judgment that the client had not trade dress/trademark rights to its designs and for trade disparagement.
- Represented the Japanese Foundation for Cancer Research against Genentech Inc. in a lengthy U.S. patent interference involving the recombinant mature Interferon-beta polypeptide.
- Obtained dismissal of a trademark infringement and right of publicity action brought by the heirs of a famous actor against an Italian clothing manufacturer.
- Obtained a TRO, preliminary injunction, and order on summary judgment of

Related Services

- Intellectual Property
- Trademark & Brand Management
- Copyright Protection & Litigation Practice
- Patent Prosecution & Litigation
- Life Sciences
- Hospitality
- Retail

trademark infringement, trademark dilution, unfair competition, false advertising and deceptive trade practices in the United States District Court for the Eastern District of New York against a company selling a purported natural alternative to a renowned pharmaceutical.

- Defended a provider of “pop-up” advertisements in the United States District Court for the Eastern District of Virginia. The Court held that the pop-up ads were not “use in commerce” of the plaintiff’s trademarks and did not interfere with a copyright owner’s right to display its works or create a derivative work.
- Obtained favorable judgments and injunctions in numerous federal actions against Internet providers of products purported to be generic versions of a well-known pharmaceutical product. In several instances, the cases were brought against “Doe” defendants who were successfully identified following orders of the court granting early discovery.

A career highlight was representing the Japanese Foundation for Cancer Research and other Japanese interests against Biogen, Inc., and Yeda Research and Development Co. Ltd. in a lengthy, high-profile U.S. patent interference proceeding involving the patent rights to the DNA sequence coding for Interferon-beta. The Federal Circuit affirmed the application of simultaneous conception and reduction to practice concept to genetic material.

Education

- Bethany College (B.S.)
- Case Western Reserve School of Law (J.D.)

Bar Admissions

- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- U.S. Patent and Trademark Office

Professional Affiliations

- American Bar Association (Intellectual Property Section)
- International Trademark Association
- WIPO Domain Name Panel of Neutrals

Awards & Honors

- *New York Super Lawyers*, Intellectual Property, Intellectual Property Litigation, 2006-

Speaking Engagements

- Frequent speaker on patent law, Bar Association and Practicing Law Institute
- Adjunct Professor, patent law, Benjamin N. Cardozo School of Law in New York
- Speaker and moderator on intellectual property law, IPResources, Best Practices in Intellectual Property, 2016-2017